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By: *Kathryn Hulse*

PATENT
Customer No. 22,852
Attorney Docket No. 08702.0079-03000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Anthony CELESTE et al.) Group Art Unit: 1646
Patent No.: 10/779,635) Examiner: E. Kemmerer
Filed: February 18, 2004)
For: TENDON-INDUCING)
COMPOSITIONS)

Commissioner for Patents
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Genetics Institute, LLC., duly organized under the laws of Delaware and having a principal place of business at 87 CambridgePark Drive, Cambridge, MA and Presidents and Fellows of Harvard College, duly organized under the laws of Massachusetts and having a principal place of business at 17 Quincy St., Cambridge, MA, are assignees of the entire right, title and interest in and to U.S. Application No. 10/779,635, filed February 18, 2004, for TENDON-INDUCING COMPOSITIONS in the names of Anthony J. Celeste, John M. Wozney, Vicki A. Rosen, Neil M. Wolfman, Gerald H. Thomsen, and Douglas A. Melton, and in and to U.S. Patent No. 5,658,882, by virtue of an assignment duly recorded in the United States Patent and Trademark Office at Reel 014725, Frames 0317 and 0482, on June 15, 2004.

To obviate a double patenting rejection, assignees hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on U.S. Application No. 10/779,635, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 5,658,882. Assignees hereby agree that any patent so granted on U.S. Application No. 10/779,635 shall be enforceable only for and during such period that it and U.S. Patent No. 5,658,882 are commonly owned. This agreement runs with any patent granted on U.S. Application No. 10/779,635 and is binding upon the grantees, their successors or assigns.

In making the above disclaimer, Assignees do not disclaim the terminal part of any patent granted on U.S. Application No. 10/779,635 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,658,882, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 5,658,882 patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), please charge the required fee of \$130 to Deposit Account No. 06-0916.

If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

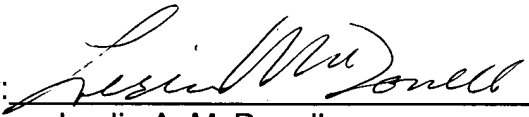
The undersigned is an attorney of record.

Respectfully submitted,

Dated:

January 7, 2005

By:



Leslie A. McDonell
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